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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,489	03/13/2001	Wayne V. Sorin	5489P045X	2385

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EXAMINER

HEALY, BRIAN

ART UNIT PAPER NUMBER

2874

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,489

Applicant(s)

SORIN ET AL.

Examiner

Brian M. Healy

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-87 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-59 is/are allowed.
- 6) ☒ Claim(s) 1,3,4,7-10,62,63 and 66-69 is/are rejected.
- 7) ☒ Claim(s) 2,5,6,11-28,61,64,65 and 70-87 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/022,413.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Allowable Subject Matter

1. Claims 2,5,6,11-28, 61,64,65, and 70-87 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The listed dependent claims includes features which are not found in the prior art of record.

Claims 29-59 are considered to be allowable over the prior art of record. None of the references of record teaches or suggests an optical apparatus that includes the combination of; a static, wavelength dependent filter, a Faraday rotator, a reflector and a variable optical attenuator.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3,4,7-10, 60,62,63, and 66-69 are rejected under 35 U.S.C. 102(b) as being anticipated by Robertson et. al., U.S.P. No.5,287,214.

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Robertson et. al. 214' teaches (Figs.1-11) an optical apparatus for transmitting an optical signal comprising: a static filter 30 that has wavelength dependent transmission 30 (Note although filter 30 is depicted as rotatable, it can be fixed or static after it is positioned ; see Col.4, lines 22-33), a Faraday rotator 36,37 and a reflector 35 (the reflector reflects in at least two optical paths) so that the Faraday rotator changes the polarizations in both orthogonal directions. The optical apparatus also uses coupled optical fiber 23,26 and lenses 24,25. The teachings of Robertson et. al. 214' clearly, fully meets Applicant's claimed limitations.

A copy of PTO-1449 will be included in this office action.

The following references are also cited by the Examiner as including pertinent prior art:
Wu et. al., U.S.P. No.5,912,748(Figs.1-11), Cheng et. al., U.S.P. No.5,481,402(Fig.5), Cheng et. al., U.S.P. No.5,588,078(Figs.1-6B) and Furukata et. al., U.S.P. No.6,048,103(Figs.1-29B).

Any questions concerning this office action should be directed to:

Brian M. Healy

Primary Examiner

Art Unit: 2874

Phone:(703)308-2693


Brian Healy
Primary Examiner